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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ERIC WILTON BURTON,

Petitioner,

v.

**DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF CORRECTIONS,**

Respondent.

08-0325 LAB (POR)

**DECLARATION OF KELLEY
JOHNSON IN SUPPORT OF
APPLICATION FOR
ENLARGEMENT OF TIME TO
FILE A RESPONSE TO THE
FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

Judge: Honorable Louisa S. Porter

On July 3, 2008, this Court ordered Respondent to file a motion to dismiss the First Amended Petition by August 8, 2008, or to file an answer to the First Amended Petition by August 22, 2008.

Since receipt of this Court's July 3, 2008, Order, declarant has been unable to work on a response to the first amended Petition because declarant has been working on other time-limited commitments that were assigned to declarant prior to receipt of the Order. For example, on July 14, 2008, declarant filed the respondent's brief in People v. Lawrie, D050998, which was due that day,

1 pursuant to rule 8.220(a)(2) of the California Rules of Court. Last week, declarant completed the
2 respondent's brief in People v. Heraz, E043393. Currently, declarant is preparing the respondent's
3 brief in People v. Carpenter, G039688, due on August 27, 2008. On August 5, 2008, declarant must
4 travel to Riverside County to present oral argument in People v. McPeters, E041507.

5 Additionally, prior to receipt of this Court's June 26, 2008, Order, declarant was assigned
6 to prepare a return to the First Amended Petition in Ricardo M. Gonzalez v. Jeannie Woodford, SA
7 CV 06-0927-FMC (SH). Today, the court granted a 30-day enlargement of time, so that the return
8 is now due on September 3, 2008. Declarant was also assigned to prepare the answering brief in the
9 Ninth Circuit matter of Jabbar Latino Stroud v. G. J. Giurbino, 07-56633, due on October 2, 2008.

10 Based on the foregoing, declarant respectfully requests that this Court grant a 30-day
11 enlargement of time so that the motion to dismiss the First Amended Petition is due by September
12 8, 2008; and the answer is due by September 22, 2008.

13 I declare under penalty of perjury pursuant to the law of the United States that the
14 foregoing is true and correct, on this day, July 30, 2008, at San Diego, California.

15
16 s/ Kelley Johnson
17 KELLEY JOHNSON
18 Deputy Attorney General
Attorneys for Respondent

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